

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:18-cv-00595-GJF-KRS

v.

UNKNOWN HEIRS, DEVISEES, OR  
LEGATEES of Billie A. Ferrell, deceased;  
ROBERT J. and SHERRIE L. MANNING; and  
OCCUPANTS, whose true names are unknown,  
if any, of 710 Country Club Road, Silver City,  
NM 88061,

Defendants.

**ORDER GRANTING IN PART MOTION FOR PUBLICATION**

**THIS MATTER** comes before the Court on the Government's motion pursuant to 28 U.S.C. § 1655 seeking an order requiring Defendants, which the Government says it cannot locate, to appear and plead within fifteen days after publication of this Order. Although not entirely clear, it appears the Government would like Defendants to answer and/or otherwise defend the action within the specified time after the Court's order has been published once a week for six consecutive weeks. The Government does not specify where it will publish the Order, and its motion does not acknowledge that Defendants Sherrie and Robert Manning have already been served, (*see* Docs. 5 & 6), and persons purporting to be the occupants of the real property at issue in this foreclosure action have tendered a response. (Doc. 3). Nonetheless, the Court has considered the Government's motion, to which no response has been filed, and determines the relief requested is appropriate against those Defendants who were not able to be identified, served, or have otherwise not appeared in this matter. In accordance with Federal

Rule of Civil Procedure 12, these Defendant shall have twenty-one days to answer the complaint after service is complete as specified below.

**IT IS, THEREFORE, ORDERED** that the Government's motion for service by publication (Doc. 7) is **GRANTED IN PART**.

**ALL UNKNOWN HEIRS, DEVISEES, LEGATEES OF BILLIE A FERRELL, AND/OR ANY OTHER PERSONS WITH AN INTEREST ARE HEREBY PLACED ON NOTICE THAT THE UNITED STATES GOVERNMENT, AS A MORTGAGE AND LIENHOLDER, HAS INITIATED A CIVIL LAWSUIT AGAINST THE ABOVE NAMED PARTIES SEEKING AN IN REM JUDGMENT FOR, TO TAKE POSSESSION OF, AND FORECLOSE ALL INTERESTS IN, REAL PROPERTY LOCATED AT 710 COUNTRY CLUB ROAD, SILVER CITY, NM 88061, MORE PARTICULARLY DESCRIBED AS LOT SIXTEEN (16) BLOCK THREE (3), AMENDED SUBDIVISION, UNIT NO. 1, ACCORDING TO THE AMENDED SURVEY AND PLAT THEREFORE MADE BY VERNON E. HALL, SURVEYOR, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF GRANT COUNTY, SILVER CITY, NEW MEXICO, JUNE 28, 1966 IN BOOK 3 OF PLATS AT PAGE 26.**

**IT IS FURTHER ORDERED** that the Government shall publish this Order in a newspaper of general circulation in Grant County, New Mexico where the real property is located. In accordance with 28 U.S.C. § 1655, the publication shall run once a week for six consecutive weeks at which time service shall be complete.

**IT IS FURTHER ORDERED** that **ALL UNKNOWN HEIRS, DEVISEES, LEGATEES OF BILLIE A FERRELL, AND/OR ANY OTHER PERSONS WITH AN INTEREST IN THE SUBJECT PROPERTY SHALL ANSWER THE COMPLAINT OR**

**OTHERWISE DEFEND THIS ACTION NO LATER THAN TWENTY-ONE (21) DAYS AFTER SERVICE IS COMPLETE. IF THESE DEFENDANTS DO NOT APPEAR OR PLEAD AS DIRECTED, THE COURT MAY PROCEED AS IF THE PARTIES WERE SERVED WITH PROCESS, BUT ONLY AS TO THE REAL PROPERTY THAT IS THE SUBJECT OF THE LAWSUIT.**

**IT IS FURTHER ORDERED** that at any time within a year after final judgment has entered, any Defendant not personally notified of this action may enter his or her appearance and the Court shall set aside the judgment and allow that Defendant to plead upon payment of costs that the Court deems just.

A handwritten signature in dark ink, reading "Kevin Sweazea", is written over a horizontal line.

KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE